

IN THE IOWA SUPREME COURT

Supreme Court No. 22-1444
District Court No. CVCV062900

SUMMIT CARBON SOLUTIONS, LLC
Petitioner-Appellant,

vs.

IOWA UTILITIES BOARD,
Respondent-Appellee,

and

**SIERRA CLUB IOWA CHAPTER &
OFFICE OF CONSUMER ADVOCATE,**
Intervenors-Appellees.

APPEAL FROM THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY
THE HONORABLE DAVID NELMARK

**DESIGNATION OF APPENDIX OF
SUMMIT CARBON SOLUTIONS, LLC**

Bret A. Dublinske
Brant M. Leonard
Kristy Dahl Rogers
FREDRIKSON & BYRON, P.A.
111 East Grand Avenue, Suite 301
Des Moines, IA 50309
Tel: (515) 242-8900
Fax: (515) 242-8950
Email: bdublinske@fredlaw.com
bleonard@fredlaw.com
krogers@fredlaw.com

*Attorneys for Petitioner-Appellant
Summit Carbon Solutions, LLC*

Pursuant to Iowa Rule of Appellate Procedure 6.905(1), Petitioner-Appellant Summit Carbon Solutions, LLC (“Summit”) hereby designates the following contents for inclusion in the appendix for this appeal. Parties remaining to designate additional contents for inclusion in the appendix include Respondent-Appellee Iowa Utilities Board (“Board”), Intervenor-Appellee Office of Consumer Advocate (“OCA”), and Intervenor-Appellee Sierra Club Iowa Chapter (“Sierra Club”).

Iowa District Court

Petition for Temporary & Permanent Injunctive Relief (Dec. 14, 2021)

Petition Exhibit 1 – Declaration of Jake Ketzner (Dec. 14, 2021)

Summit Motion for Temporary/Preliminary Injunction (Dec. 14, 2021)

Hearing Transcript (Feb. 4, 2022)

Order Granting Motion for Temporary Injunction (Feb. 11, 2022)

Sierra Club Statement of Uncontested Facts in Support of Motion for Summary Judgment (Mar. 21, 2022)

Board Answer to Sierra Club’s Motion for Summary Judgment (Apr. 5, 2022)

Affidavit of IUB In Regard to Contested Facts

OCA Response to Sierra Club Motion for Summary Judgment (Apr. 5, 2022)

Summit Statement of Disputed Facts in Support of Resistance to Sierra Club Motion for Summary Judgment (May 12, 2022)

Order Denying Motion for Summary Judgment (June 2, 2022)

Sierra Club Trial Exhibits (July 7, 2022)

Summit Trial Exhibits (July 7, 2022)
Trial Transcript (July 7, 2022)
Trial Transcript (Aug. 3, 2022)
Summit Post Hearing Brief (Aug. 5, 2022)
Sierra Club Post-Trial Brief (Aug. 5, 2022)
OCA Post-Trial Brief (Aug. 5, 2022)
Board Statement in Lieu of Brief (Aug. 5, 2022)
Order Denying Motion for Permanent Injunction (Aug. 12, 2022)
Summit Notice of Appeal (Sept. 2, 2022)
Summit Supersedeas Bond (Sept. 7, 2022)

Iowa Utilities Board

In re Summit Carbon Solutions LLC, Docket No. HLP-2021-0001, Request for Confidential Treatment (Aug. 13, 2021)

In re Summit Carbon Solutions LLC, Docket No. HLP-2021-0001, Affidavit of Jake Ketzner (Aug. 13, 2021)

In re Summit Carbon Solutions LLC, Docket No. HLP-2021-0001, Order Granting in Part and Denying in Part Request for Confidentiality, with Dissenting Opinion (Nov. 23, 2021)

In re Summit Carbon Solutions LLC, Docket No. HLP-2021-0001, Public Records Request – Informational Meeting Mailing Lists (Nov. 30, 2021)

In re Summit Carbon Solutions LLC, NuStar Pipeline Operating Partnership L.P., & Navigator Heartland Greenway LLC, Docket Nos. HLP-2021-0001, HLP-2021-0002, HLP-2021-0003, Order Regarding Filing Requirements and Addressing Survey Timing (Dec. 16, 2021)

In re NuStar Pipeline Operating Partnership L.P. & Navigator Heartland Greenway LLC, Docket Nos. HLP-2021-0002, HLP-2021-0003, Order Granting Request for Additional Time (Dec. 28, 2021)

Agency Rules

Iowa Administrative Code 199—1 (2017)

Iowa Administrative Code 199—13 (2010)

Iowa Administrative Code 199—13 (2021)

CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was electronically served on the Clerk of the Supreme Court using the Electronic Document Management System on _____, _____, which will serve a notice of electronic filing to all registered counsel of record.

Respectfully submitted this _____ day of _____, _____.

/s/

Brant M. Leonard

Bret A. Dublinske

Kristy Dahl Rogers

FREDRIKSON & BYRON, P.A.

111 East Grand Avenue, Suite 301

Des Moines, IA 50309

Tel: (515) 242-8900

Fax: (515) 242-8950

Email: bleonard@fredlaw.com

bdublinske@fredlaw.com

kr Rogers@fredlaw.com

*Attorneys for Appellant Summit
Carbon Solutions, LLC*